Previous references.

File No. 97-08

1909.

Serial Nos. 1 to 6

(courts)

Later references.

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1 to 6

Part B. for September 1909.

SUBJECT.

Appeal against the order of acquittal passed by the Sessions Judge, Mysore in Crim. ~~Case No~~ Appeal No. 1 of 1908-9 (Malavalli rioting case).

Table of contents.

1. From the District Magistrate, Mysore No 136 & 7-9-08.

Forwards a file of papers and requests for reasons stated that an appeal may be filed against the order of acquittal passed by the Sessions Judge Mysore in the said case-

2 To the District Magistrate, Mysore and the Govt. Advocate.

No. 970-1 & 28-9-08.

Directs the Govt Advocate to file an appeal in the case and requests the Dt Magte to report the result of the appeal and also on the action of the amildar ~~in~~ continuing license long after

G. R. S. 58

3. From the Govt Advocate No 32 & 2-8-1909.

Reports that the order of acquittal was reversed and each of the accused sentenced to pay a fine of Rs 25 or in default to 6 weeks' simple imprisonment and that they were also bound over for good behaviour.

4. From the Govt Advocate No. 45 & 11-8-09

Forwards copy of judgment passed in the appeal

5 From the Dt Magte, Mysore No 142 & 21-8-09.

Reports the result of the appeal and states that the amildar ought to have sought the instructions of the higher authorities before granting a licence

6 To the Dt Magte, Mysore No J 787 & 15-9-09.

Records the above with the remark that the amildar would have used his discretion properly if he had reported the matter for the Deputy Commissioner's orders at first.

G.R.S. 11] 1908-09

GENERAL AND REVENUE SECRETARIAT.

(Courts)

NOTES.

Cts. File No. 97

FILE HEADING.

Appeal against the order of acquittal passed by the Sessions Judge, Mysore in Criminal appeal No 1 of 1908-09 (Ganjam Venkatarayappa Case).

From

The District Magistrate, Mysore.

No. 156 Dated 7.1.09 Received 10.1.09

Diary No. 69-1	Enclos. Five Spare Copies.	Serial No. 1

BRIEF ABSTRACT OF LETTER.

Forwards a file of papers and requests that for reasons stated in his letter, an appeal may be filed against the order of acquittal passed by the Sessions Judge Mysore in the Suit Case.

NOTES AND ORDERS.

1 The Govt. Advocate is of opinion that "on the whole it is a case in which an appeal may be tried against the order of acquittal".

2 Submitted for orders with a draft order

Notes—First sheet. for SV 11/9/10-8 11/1/09

GPB.—30,000—20-3-06.

[G. R. S. 12]
General and Revenue Secretariat.

165 File No. 97 of 1908

Serial No.

Draft seen for approval
Under Secy)

SM 14.9.08

8205
15-9-08

Subm'd W Dewan through
18th inst

4 I have great misgivings as to the advisability of keeping an appeal in this case. But as some deference is due to the Revs recommendations in the matter of this kind, I think that the draft portion may be approved. The Conduct of the Amildar in granting a license in the circs, is curious & will require something by way of explanation

GB 17/9/08

GB 17.9.08

10428
18.9.08

SM 18.9

S 20/9/1908

6 Done 21 Sept

2 To the District Magistrate of Mysore.
& Govt. Advocate 9370-1 28.9.08

Direct the Govt Advocate to file

NOTE—Contn sheet.

GPB—50 000—17-3-07

Serial No.	
	an appeal in the case, and requests the District Magistrate to report the result of the appeal and also on the action of the Amildar in granting a license long after the Holi feast.
3	From the Govt. Advocate in Mysore D° 32 & 2-8-1909 – Reports that the order of acquittal was reversed and each of the accused sentenced to pay a fine of Rs 25 in default to six week's simple imprisonment and that they were also bound over for good behaviour. Submitted for perusal. The report from the Deputy Commissioner, Mysore District, regarding the action of the Amildar may perhaps be awaited; & also Copy of the judt passed by the Govt Advocate. HCS SW 9-8-09 – 9/8/09 10/8/09
4	From the Govt. Advocate in Mysore D° 45 & 11-8-09 – Forwards a Copy of judgment passed in appeal & Submitted for perusal – HCS SW 13-8-09.

NOTE—Contn sheet.

GPB—50 000—17-3-07

Serial No.

perusal.

CW
18/8/09

9 seen
18/8/09

5 From the District magistrate of Mysore, L° 142 g 21.8.1909.

Reports the result of the appeal and states that the Amildar ought to have sought the instruction of the higher authorities before granting a license.

(2) The ~~xxxxxxxx~~ grant of a license long after the Holi feast is stated to be due to the Hindus having postponed burning their Kama till they were granted a license to assume "Lutta" disguises

(1) The conduct of the Amildar in the matter has been severely noticed by the District magistrate in his order dated the 6th April 1908. The festival is reported to have passed off quietly last time. Submitted for orders. I — The report may be recorded with the remark that the amildar owned

x
H. R

x

Hcs SW
26/8/09 26/8

NOTE—Contn. sheet.

GPB—50,000—13-5-06

Serial No.

have exercised his discretion properly if he had reported the matter for the Dy Commrs orders in the first instance.

13 Please put up draft. 26/8/09

14 Submitted with a draft order—
Hes SW
28.8.09.

4/9/09 SH

Secy:

15 May be approved
6.9.09
SH
6/9/09

Rec'd 21-9-09

16 Approved
9/9/09
Issue
SH

17

6 To the District Magistrate 10/9/09
Mymensingh, No 7873 S 5-9-09.

Records the above with the remark that the Amildar would have exercised his discretion properly, if he had reported the matter for the Deputy Comm's orders at first.

GPB—50,000—18-5-08

Govt. No.
11 Ch 07 — F. 669
1906–09

From
M. Kanthuraj Urs, Esq.,
Dy. Commissioner,
Mysore District.

To
K. S. Chendrasekhara Iyer, Esq., B.A., B.L.
Secy. to the Govt. of H. H. the Maha-
raja of Mysore, Gen. & Rev. Depts.

Dated 7th
Despatched 8th } September 1908
Received

General No. 136
No.

Enclosure No. File

Subject.

Submitting herewith a file of papers and requesting to obtain sanction of Government to prefer an appeal against the acquittal order of the Sessions Court to the High Court in the Malavalli rioting case

No.
Enc. No.

OFFICE OF THE District Magistrate
MYSORE DISTRICT.

Dated Mysore Camp 7th September 1908.

To

K. S. Chandrasekaraiya Esq., B.A. B.L
SECRETARY TO THE GOVERNMENT
OF HIS HIGHNESS THE MAHARAJA OF MYSORE,
GENERAL AND REVENUE DEPARTMENTS.

SIR,

I have the honor to state that the Amildar Magistrate of Malvalli Taluk granted a license to the Hindus of that place to celebrate their Holi-Festival with Lutta or objectable disguises namely red "in. as the prominent colours. When the procession was being conducted on the 4th of April 1908 and was on its way to the Fort at Malvalli it was obstructed by the Mussalmans of that place who came armed with sticks and stones and rushed against the Hindus beating them and pelting stones. The Police who were escorting the procession were also assaulted and some of them

them was badly beaten. The Assistant Superintendent of Police, French Rocks, investigated the case and placed 21 persons before the Magistrate charging them with offences punishable under sections 143. 147 and 353 Indian Penal Code.

The City Magistrate, Mysore, tried the accused and convicted 14 of them. On appeal the Sessions Judge Mysore Division, acquitted all the accused. Thereupon the Government Advocate was consulted in the matter and he is of opinion that this is a fit case to prefer an appeal against the order of acquittal passed by the Sessions Judge. Copies of judgments and other records of both the courts, a memo of appeal grounds together with the opinion of the Government advocate are herewith submitted for perusal.

As this is an important case affecting the prestige of the Executive who are expected to safe-guard the public peace I request you will be good enough to obtain the sanction of Government

Government to prefer an appeal to the Chief Court under Section 417 Criminal Procedure Code in the case, at an early date.

I have the honor-ble
Sir
Your Most obedient Servant

[illegible]
District Magistrate
of Mysore

Fierish.

4

	pages
1. Depositions &c in the Court of the City Magistrate Mysore in Criminal Case no: 434 of 1907-08 on the file of his Court	1 to 195.
2. Judgment of the City Magistrate Mysore in Criminal Case no: 434 of 1907-08 on the file of his Court.	1-37.
3 Judgment of the Sessions Judge Mysore in criminal Appeal no: 1 of 1908-09 on the file of his Court.	1-29.
4 Memo of appeal.	1-6.
5 Docket no: 67 dated 2nd September 1908 from the Government Advocate Mysore	1

8.9.08.

N. S. Subba Rao
Deputy Nazir.

G.R.S. 23]

5

Cs File No. 97-08

Serial No. 2

Diary No. of letter replied to

GENERAL AND REVENUE SECRETARIAT.

( )

, *the* 190

Date of issue 28-9-08

Signed by Hn Rajapalachar

Proceedings of the Government of His Highness the Maharaja of Mysore.

J970-1 dy 28.9.08 (with encls)

READ—

Letter No 136 dated the 7th September 1908 from the District Magistrate of Mysore, forwarding among other ~~things~~ records, a copy of the judgment

~~ORDER THEREON.—NIL.~~

of the Sessions Judge, Mysore Division in Criminal appeal No 1 of 1908-09, reversing the acquittal and sentence of the City Magistrate Mysore in Criminal Case No 434

over

SUBJECT

GPB—10,000—10-4-06

Typed Dr. 28/9 Sentr

Cr. 1907–08 (Govt. Vs. Sabju Sab and 20 others) and ordering the acquittal of the accused persons, and requesting that for reasons stated in his letter an appeal may be filed against the said order of acquittal

Order thereon

Govt are pleased, under section 417 of the Criminal Procedure Code, to direct the Govt Advocate to file an appeal to the Chief Court against the order of acquittal passed by the Sessions Judge, Mysore Division, in the case referred to above. The Dy. Magte of Mysore is requested to send to the Govt. Advocate an authenticated Copy of the judgment in the case.

2. In reply in due course the receipt of the appeal above launched, the Dy Cr Dist Magte will be good enough to report upon the action of the Auditor in granting a license to carry a Kanna pursuance with "Katha" dispenses thirteen or seventeen days after the day of the Holiday.

Secretary

To

The District Magistrate, Mysore Division

" Govt Advocate in Mysore.

Returning the records with ~~an~~ authenticated Copy of the judgment of the Sessions Judge

17 Sept 08

Dft Secy 11/9/08

No. 32.

Office of the Government Advocate in Mysore,

Bangalore dated, 2nd August 1909.

From,

The Government Advocate in Mysore,

Bangalore.

To,

The Secretary to the Government of H.H. the Maharaja of Mysore, General and Revenue Departments.

Sir,

With reference to Government Proceedings No.J 970-1/ Cts 97-08-2 dated 28th September 1908, directing to prefer an appeal against the order of acquittal passed by the --- Sessions Judge, Mysore Division, in Criminal Appeal No.1 of 1908-09 on the file of his Court, (Government VS Sabju & others), I have the honour to inform that judgment was this day pronounced in Criminal Appeal No.55 of 1908-09 on the - file of the Chief Court, the order of acquittal being reversed and each of the accused sentenced to pay a fine of Rs.25/- in default to six weeks simple imprisonment, in addition to being required to execute a bond for Rs.100/- to be of good behaviour for one year.

A copy of judgment will be submitted later on.

I have the honour to be,

Sir,

Your most obedient servant,

S. Narayana Rao.

Government Advocate.

III 4241/1
190 2576

From Deputy Commissioner and
District Magistrate
Mysore District.

To K. S. Chandrasekharaiya Esq B.A. B.L.
Secretary to the Government of Mysore
General & Revenue Department

Dated 21st August 1909

Despatched 23 August
Received 1909.

General No. 1442
No.

Enclosure No. 1 file

In submitting report
that the Chief
Court convicted
and sentenced
all the accused
in the Malavalli
Gang Case to
payment of Rs 25/-
each & released
each of the accused
to execute a bond
in Rs 1000/- to keep the
peace for one year
and that the Murder
of Malavalli Dalit
might be heard
his superior officers
on pending

14

No.
Enc. No.

OFFICE OF THE Deputy Commissioner and District Magistrate
MYSORE DISTRICT,
Dated Mysore Camp 21st August 1909.

To
K. S. Chandrasekharaiya Esq., B. A., B.L.
SECRETARY TO THE GOVERNMENT
OF HIS HIGHNESS THE MAHARAJA OF MYSORE,
GENERAL AND REVENUE DEPARTMENTS.

Sir,

With reference to G.O. no. J. 970-71
Ch 97-08-2
dated 28-9-08 directing me to file an appeal to the Chief Court against the order of acquittal passed by the Sessions Judge, Mysore Division, in Criminal Appeal no. 1 of 08-09 in the Malavally Riot Case, I have the honor to state that the Chief Court set aside the order of acquittal passed by the Sessions Judge and convicted all the accused under section 147. I.P.C. and sentenced each of them to pay a fine of Rs 25/- and also ordered each of the accused to execute a bond for Rs 100/- to keep the peace for a period of one year. As regards the action of the

Amildar

Amildar, I have to state that in such important cases where the dispute is between two rival religious communities, he ought to have sought the orders of the higher authorities before granting the license for the Kama procession with 'Lutka' disguise after the Holi feast was over. The correspondence as per phrist entry with Amildar's report no. 793 dated 13-4-08 is herewith submitted for perusal.

I have the honor to be

Sir

Your most obedient servant

K. Ramaiah

Offg Deputy Commissioner and
District Magistrate
Mysore District.

G.R.S. 28]

As File No. 97-08
Serial No. 6

Diary No. of letter replied to J 516

Proceedings of the Government of His Highness the Maharaja of Mysore.

GENERAL AND REVENUE SECRETARIAT.
(Courts.)

, *the* 190

Date of issue 15th September 09

Signed by Mr. S. Hiriyannaiya

READ—
Para 29 Govt order No. J-970-1. dt. 97-08-2 dated the 28th September 1909, requesting the Deputy Commissioner, Mysore District, to report upon

ORDER THEREON—NO.
the action of the Amildar of Malvalli in having granted a license to the Hindus of the Lower Kaveri to carry Rama procession with "kutta" disguises long after the Holi feast.

over

SUBJECT

G.P.B.—6,000—13-5-08

17

(2) Letter No 142 dated the 21st August 1909 from the District Magistrate of Mysore, submitting a report with the records connected with the case

Order thereon K J 787 dt 97-08-6 & 15th Sept 09.

Recorded with the remark that the Amildar would have exercised his discretion properly if he had reported the matter for the Deputy Commissioner's orders in the first instance before granting the licence.

Sd

For Secretary.

To The District Magistrate Mysore (Returning the records)

27/9/09

28/8/09

28/8/09

28/8/09